

June 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

CASE NO. DA 10-0094

IN RE THE PARENTING OF

A.L.S.,

A Minor Child,

TOBIN NOVASIO,

- Petitioner and Appellee,

and

TARA SYLVESTER,

- Respondent and Appellant.

FILED

JUN 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

UNOPPOSED RULE 26 MOTION FOR EXTENSION OF TIME

On Appeal from the Montana Thirteenth Judicial District Court
Yellowstone County, Honorable G. Todd Baugh

APPEARANCES:

Patrick C. Sweeney
Patrick C. Sweeney, P.C.
2817 2nd Ave North, Suite 200
Billings MT 59101
(406) 245-2439
Attorney for AppelleeLinda L. Harris
Harris Law Firm, P.C.
2722 Third Avenue North, Suite 250
Billings MT 59101-1996
(406) 259-4402
Attorney for Appellant

Comes now, Tara Sylvester, by and through her attorney, Linda L. Harris, and respectfully moves the Court for an Order Granting Extension of Time for Appeal Brief, pursuant to the provisions of Rule 26, M.R.App.P., thereby extending the time for filing Appellant's opening brief by 30 days to July 16, 2010.

Appellant's opening brief in this matter is due June 16, 2010.

Opposing counsel has been contacted regarding this motion and does not object.

DATED this 11th day of June, 2010.

1 HARRIS LAW FIRM, P.C.

2 
3 By: LINDA L. HARRIS

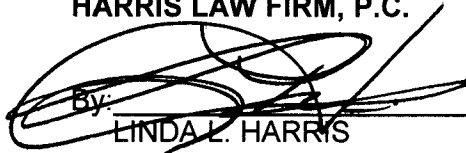
4 Attorney for Appellant

5 **CERTIFICATE OF SERVICE**

6 I hereby certify that the foregoing was duly served by mail upon all
7 opposing attorneys of record at their address or addresses this 11th day
8 of June, 2010 as follows:

9 **PATRICK C. SWEENEY, P.C.**
10 **PATRICK C. SWEENEY**
11 ATTORNEY AT LAW
12 2817 2ND AVE NORTH - SUITE 200
13 BILLINGS MT 59101
14 Attorney for Appellee

15 HARRIS LAW FIRM, P.C.

16 
17 By: LINDA L. HARRIS

IN THE SUPREME COURT OF THE STATE OF MONTANA

CASE NO. DA 10-0094

IN RE THE PARENTING OF

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A Minor Child,

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- Petitioner and Appellee,

and

TARA SYLVESTER,

- Respondent and Appellant.

FILED

JUN 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

AFFIDAVIT IN SUPPORT OF UNOPPOSED RULE 26 MOTION FOR EXTENSION OF TIME

On Appeal from the Montana Thirteenth Judicial District Court
Yellowstone County, Honorable G. Todd Baugh

APPEARANCES:

Patrick C. Sweeney
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Attorney for Appellee

Linda L. Harris
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Billings MT 59101-1996
(406) 259-4402
Attorney for Appellant

STATE OF MONTANA)

: ss.

County of Yellowstone)

Linda L. Harris, being first duly sworn, upon oath, deposes and says:

1. That she is the attorney for Appellant.

2. That she has caused to be filed herein on behalf of Appellant an Unopposed Rule 26

Motion for Extension of Time.

1 Affiant submits the following information:

- 2 a. Appellant's brief is due June 16, 2010.
- 3 b. An extension is requested for 30 days.
- 4 c. An extension is necessary for Movant to complete Appellant's brief in this matter.
- 5 d. Movant submits that she has exercised diligence in this action and gathered
- 6 information supporting Appellee's position in this matter. Appellant's brief will be
- 7 filed and served on or before July 16, 2010.

8 In addition, Movant has been scheduled for 3 mediations, 7 trials, 8 hearings

9 and 1 deposition during the past 30 days and has not been able to complete

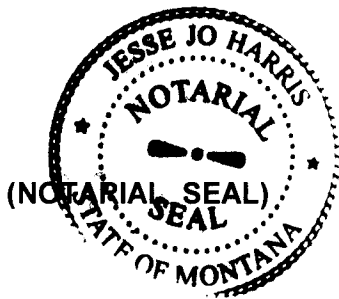
10 Appellant's brief in this action.


- 11 f. Movant contacted Appellee's counsel on June 8, 2010 and was advised that
- 12 Appellee's counsel does not object to the extension of time requested by Movant.

13 **DATED** this 11th day of June, 2010.

14 
15 Linda L. Harris
16 Attorney for Appellant

17 **SUBSCRIBED AND SWORN** to before me this 11th day of June, 2010.



23 
24 Jesse Jo Harris
25 Notary Public for the State of Montana.
26 Residing at Billings, Montana.
27 My Commission Expires: March 17, 2014

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served by mail upon all opposing attorneys of record at their address or addresses this 11th day of June, 2010 as follows:

PATRICK C. SWEENEY, P.C.
PATRICK C. SWEENEY
ATTORNEY AT LAW
2817 2ND AVE NORTH - SUITE 200
BILLINGS MT 59101
Attorney for Appellant

HARRIS LAW FIRM, P.C.

By 
LINDA L. HARRIS